

CERTIFICATE OF MAILING  
I hereby certify that this paper and every paper referred to therein as being enclosed is deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 14, 2004 (Date of Deposit)  
04-14-2004 Shelly Hanwa  
Date Name

PATENT

#23

DAC



Attorney Docket No.: 004609

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Hiroji Hanwa, et al. )  
Application No.: 09/638,075 ) Examiner: R. McDonald  
Filed: August 11, 2000 )  
For: EXTERNALLY EXCITED TORROIDAL ) Group Art Unit: 1763  
PLASMA SOURCE )  
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**PETITION UNDER 37 C.F.R. 1.183  
(MPEP 711.03(c)I)**

**RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APR 21 2004

**OFFICE OF PETITIONS**

The attached Petition to Withdraw Holding of Abandonment is being filed twelve days after the expiration of the two-month grace period in which to respond to the Notice of Abandonment dated February 2, 2004. The 12-day delay, from February 2, 2004 until today, was unintentional.

The reason this delay occurred is that the experienced paralegal assigned by Applied Materials, Inc. to the handling of the correspondence in this application became unavailable on or about Friday, January 30, 2004, one business day before the mailing date of the Notice of Abandonment. Her cases were eventually taken over by a new employee, Emma Koh, who had no prior experience in patent prosecution and did not understand the significance of the Notice of Abandonment dated February 2, 2004 nor the need to respond to it immediately, or expedite its forwarding to the undersigned. Ms. Koh probably received the Notice of Abandonment around February 14, 2004, as it was apparently received by Applied Materials on February 11, 2004. Our telephonic inquiries and discussions with Ms. Koh made today caused Ms. Koh to realize for the first time the nature and significance of the Notice of Abandonment and faxed it immediately to our office. Also, the

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undersigned was unaware of the receipt of the Notice of Abandonment at Applied Materials until today. Therefore, there was no intentional delay in responding to the Notice of Abandonment.

MPEP 711.03(c)I, 3<sup>rd</sup> paragraph, provides, in part, "Rather than dismiss an untimely petition to withdraw the holding of abandonment. . . The Office may treat an untimely petition to withdraw the holding of abandonment on its merits in a utility or plant application filed on or after June 8, 1995, on the condition that the petition is accompanied by a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon that would extend beyond the date 20 years from the filing date of the application." Such a terminal disclaimer is attached to the accompanying petition. Therefore, applicants hereby petition the Commissioner to treat the attached Petition to Withdraw Holding of Abandonment on its merits.

The required fee under 37 C.F.R. 1.17(h) is submitted herewith.

April 14, 2004

Date

Robert M. Wallace

Signature

Robert M. Wallace  
Registration No. 29,119  
Attorney for Applicants

Robert M. Wallace  
Patent Counsel  
2112 Eastman Avenue, Suite 102  
Ventura, CA 93003  
(805) 644-4035

APR 16 2004  
U.S. PATENT & TRADEMARK OFFICE  
JC98

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 240.00)

## Complete if Known

Application Number	09/638,075
Filing Date	August 11, 2000
First Named Inventor	Hiroji Hanawa, et al.
Examiner Name	Rodney McDonald
Art Unit	1763
Attorney Docket No.	004609

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number  
Deposit Account Name

50-0338  
Michaelson & Wallace

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued) RECEIVED

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	130
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)		Terminal Disclaimer	110

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 240.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Robert M. Wallace	Registration No. (Attorney/Agent)	29,119	Telephone	805-644-4035
Signature	<i>Robert M. Wallace</i>			Date	04-14-2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I hereby certify that this paper and every  
paper referred to therein, as being enclosed  
is deposited with the U.S. Postal Service  
as first class mail, postage prepaid, in  
an envelope addressed to Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on April 14, 2004 Date of Deposit  
04-14-2004 Shelly Hart  
Date Name

CONFIRMATION  
COPY

Attorney Docket No. 004609

OIPE APR 16 2004  
**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON FAILURE TO  
RECEIVE OFFICE ACTION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Hiroji Hanawa, et al.  
Serial No.: 09/638,075  
Filed: August 11, 2000  
For: EXTERNALLY EXCITED TORROIDAL PLASMA  
SOURCE

Art Unit: 1763  
Examiner: Rodney McDonald

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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APR 21 2004

OFFICE OF PETITIONS

Dear Sir:

Applicants hereby petition the Commissioner to withdraw the above-identified application from abandonment.

The Notice of Abandonment was mailed out by the USPTO on February 2, 2004 indicating that the subject application was abandoned based upon Applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance, and that the issue fee and publication fee have not been received.

Applicants have searched the subject file for the Notice of Allowance papers. Applicants conducted a search of their docket records which evidenced that the papers were not received. A copy of the docket record search results indicating where the papers would have shown up is enclosed herewith. The first two "screens" have the action items received. The last "screen" is the case data.

Accordingly, it is respectfully requested that this petition be granted and a new Notice of Allowance/Issue Fee Due be issued.

This petition is accompanied by a Petition under 37 CFR 1.183 and a Terminal Disclaimer pursuant thereto.

Date: April 14, 2004

Respectfully submitted,

*Robert M. Wallace*

Robert M. Wallace  
Attorney for Petitioners  
Reg. No.: 29,119  
(805) 644-4035

PCMaster v3.03.02 - Applied Materials - [Patent]

File Edit Records Utilities Tools Help

Docket Number 004609  
 Country United States  
 Case Type TERMINAL DISCLAIMER  
 Relation Type ORIGINAL OR PATENT CASE  
 Filing Type NATIONAL CASE  
 Filing Number AMJ#

Attorney Joseph Bach  
 Law Firm Law Office of Robert M Walla  
 Client\Division ETCH  
 Current Owner Applied Materials, Inc.  
 Previous Owner

EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE RECEIVED APR 21 2004

OFFICE OF PETITIONS

Other No's	SAP Dkt No	Related Id	Title	Text	SAP/CC#	Product	Aty Cmts
Filing Data	Ref Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext Files	Inventors
Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes		
NOTICE OF MISSING	12/26/2000			01/26/2001	GAV		
INVENTOR FILING	02/21/2001			03/06/2001			
OFFICE ACTION	05/07/2002	02/20/2002	08/07/2002	05/07/2002	mw		
PCT SEARCH REPORT	06/14/2002	04/04/2002		04/18/2002	mw		
OFFICE ACTION	11/07/2002	08/15/2002	02/07/2003	08/28/2002	mw		
TERMINAL DISCLAIMER				05/25/2020		09/	
SUPPLEMENTAL IDS					02/05/2002		
Foreign to be Completed		08/09/2001	08/11/2001	08/13/2001	CON		
INFORMATION					08/29/2000		
IA'S COMBINED FOR					05/23/2001	WIL	
IDS NOT APPLICABLE					06/18/2003		

Created: 08/18/2000 Updated: 07/01/2003 8:56 AM By: GDM

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1 of 5

8/14/03 2:57 PM

PCMaster v3.03.02 - Applied Materials - [Patent]

File Edit Records Utilities Tools Help

Docket Number	004609	Attorney	Joseph Bach
Country	United States	Law Firm	Law Office of Robert M Walla
Case Type	TERMINAL DISCLAIMER	Client\Division	ETCH
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	Applied Materials, Inc.
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		AMJ#	

**EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE**

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APR 21 2004

**OFFICE OF PETITIONS**

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes
Certified Copies ordered				03/05/2001	
SUPPLEMENTAL				05/14/2002	
Foreign Filing				08/09/2001	COI
PRELIMINARY				02/13/2001	
CIP APPLICATION				10/30/2002	
SUPPLEMENTAL IDS				06/13/2001	
PRELIMINARY				05/04/2001	
SUPPLEMENTAL				07/15/2002	
FILING RECEIPT				04/16/2001	
PCT SEARCH REPORT				03/14/2002	
*					

Created: 09/18/2000 | Updated: 07/01/2003 8:56 AM | By: GDM

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PCMaster v3.03.02 - Applied Materials - [Patent]

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Docket Number	004609	Attorney	Joseph Bach
Country	United States	Law Firm	Law Office of Robert M Wallace
Case Type	TERMINAL DISCLAIMER	Client\Division	ETCH
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	Applied Materials, Inc.
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		AMJ#	

**EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE**

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Other Nos.	SAP/DK#	Related Id	Title	Text	SAP/CC#	Product	Aty Cnts
Filing Data	Rel Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext. Files	Inventors
Status	APPLICATION IS FILED			First Filing Date	08/11/2000		
Sub Status				Sub Status Date			
Parent Country	United States			Parent Filing Date	08/11/2000		
Parent Number	09/638,075			Parent Grant Date			
Total Claims	37			Ind. Claims\Designs	1		
Application Number	09/638,075			Application Date	08/11/2000		
Patent Number				Grant Date			
Publication Number				Publication Date			
Assigned	ASSIGNMENT RECORDED			Expiration Date			
Convention Type	FIRST FILED CASE			Tax Base Date			
Government Contract				Next Tax Date			

Created: 08/18/2000 Updated: 07/01/2003 8:56 AM By: GDM

Start PCMaster v3.03 NewMemo Lotus... As-ADDRESSES.dbo Bank Of America On... QM

Susana Antunes, Patent Administrator  
 Applied Materials, Inc.  
 Intellectual Property Department, Global Law Department  
 Mail Stop 2061-Legal  
 Direct: 408-986-3923 Fax: 408-986-3090  
 email:susana\_antunes@amat.com

Shelly Hart <rwallace@pcmagic.net> 08/14/2003 02:41 PM	To: Joseph Bach/APPLIED MATERIALS@AMAT cc: Susana Antunes/APPLIED MATERIALS@AMAT Subject: Re: 4609 USA M URGENT
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## UNITED STATES PATENT AND TRADEMARK OFFICE

RECD FEB 11 2004

**COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,075	08/11/2000	Hiroji Hanawa	4609 USA/ETCH/DICP	1010
32588	7590	02/02/2004		
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			EXAMINER	
			MCDONALD, RODNEY GLENN	
			ART UNIT	PAPER NUMBER
			1753	
			DATE MAILED: 02/02/2004	



P #21

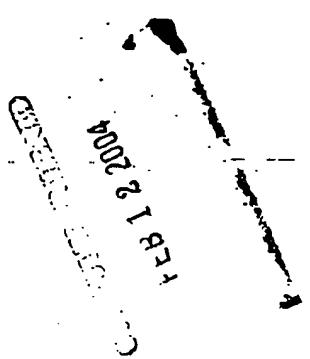
*ABN*

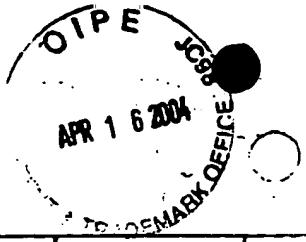
Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**

APR 21 2004

OFFICE OF PETITIONS





UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/638, 675

RECEIVED

EXAMINER

APR 21 2004

OFFICE OF PETITIONS	ART UNIT	PAPER NUMBER
---------------------	----------	--------------

P #21

DATE MAILED:

ABANDONMENT  
CONTACT PERSON IS  
TOM HAWKINS  
305-8380

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- No reply has been received.
- Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
  - The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
  - The issue fee and publication fee, if applicable, have not been received.
- Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
  - Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - No corrected drawings have been received.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.